IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

MFA.No. 684 of 2000(B)

O.P. NO. 729/1999 of FAMILY COURT,THRISSUR
.....

APPELLANT:

SURESH B,
S/O. LATE VELAKKATHARA VEETTIL,
BHASKARAN NAIR, MATTOM DESOM,
ALOOR VILLAGE, THALAPPILLY TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI. MINI JOHN PAREMALIL

RESPONDENTS:
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1. KALLYANI AMMA,
W/O. LATE RAMAN NAIR, THEKKETHIL HOUSE,
PONNANI P.O., PALLAPRAM, MALAPPURAM.

2. SUSMI SURESH, AGED 6 YEARS (MINOR)
D/O. APPELLANT LATE PREMAKUMARI.

BY ADV. SRI.K.RAMAKUMAR

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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M.F.A NO. 684 OF 2000

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Dated this the 19th day of July, 2007.

JUDGMENT

Kurian Joseph,J

This is an appeal filed against the judgment dated 18.05.2000 in O.P. No. 729/99 on the file of the Family Court, Thrissur filed under section 8,9,10 and 25 of the Guardian and Wards Act. Taking note of the entire facts and circumstances of the case, the Family Court held that the father is not entitled to have the custody of the child. However, visiting right was protected. It was also made clear in the judgment that "Ofcourse on a later date the petitioner is entitled to move the Court to get the custody of his daughter, when she is mature enough to understand things properly or when there is change in circumstances under which the minor child is now being brought up in the house of the respondent."

2. The learned counsel for the appellant submits that the child is now aged 14 and she is mature. The learned counsel for the respondent submits that the criminal case is not at over. Hence, it will not be in the interests of the child to have any variation in the judgment. Be that as it may, since the judgment is of the year 2000

and in case the appellant is of the view that it is time for varying the order, since the rights are otherwise protected in the judgment as extracted above, we make it clear that it will be open to the petitioner to move the Family Court itself. Subject to the liberty as above, the appeal is dismissed.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

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